

Message Text

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PAGE 01 STATE 212620

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DRAFTED BY ARA:JBKUBISCH:CJS

APPROVED BY IO:JWMCDONALD

L:MFELDMAN (DRAFT)

EB:RPRICKETT (SUBSTANCE)

S/S:SRGAMMON

S - LSEAGLEBURGER

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 212620

EXDIS

E.O. 11652: XGDS

TAGS: PFOR, UN, MX

SUBJECT: MEXICAN CHARTER OF ECONOMIC RIGHTS AND DUTIES OF
STATES

REF: STATE 211302

FOR AMBASSADOR SCALI

1. CONFIRMING INDICATION ASS'T SECRETARY KUBISCH GAVE YOU
OVER TELEPHONE EARLIER THIS WEEK, MEXICAN FONSEC RABASA
HAS DISCUSSED WITH THE SECRETARY AND KUBISCH A SCENARIO
FOR ACTING ON MEXICAN PROPOSED CHARTER OF ECONOMIC RIGHTS
AND DUTIES OF STATES DURING CURRENT UNGA. RABASA HAS NOW
TELEPHONED KUBISCH TO SAY HE IS GOING TO NEW YORK SUNDAY,
OCTOBER 28 AND THAT HE HOPED SCENARIO COULD BE PLAYED OUT
IN NEW YORK NEXT WEEK.

2. ACCORDING TO RABASA, A HIGH-LEVEL MEXICAN OFFICIAL WILL
MAKE A STATEMENT IN COMMITTEE II EARLY NEX, WEEK. HE WILL
SAY THAT MEXICO HAD HOPED THAT CHARTER COULD BE CONSIDERED
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PAGE 02 STATE 212620

AND ACTION TAKEN DURING CURRENT UNGA. HOWEVER, IT NOW

OBVIOUS THAT FURTHER WORK IS REQUIRED AND HE WILL PROPOSE THAT THE MATTER BE SENT BACK FOR FURTHER WORK IN WORKING GROUP IN GENEVA DURING TWO SESSIONS -- FEBRUARY AND JULY, 1974 -- AND THAT WORKING GROUP SHOULD BE ASKED TO DELIVER "A FINAL DOCUMENT" FOR CONSIDERATION AT

NEXT YEAR'S UNGA. FOLLOWING THIS MEXICAN STATEMENT, ARRANGEMENTS WILL HAVE BEEN MADE FOR ANOTHER GOVERNMENT TO PROPOSE THAT THE DOCUMENT TO BE DELIVERED NEXT YEAR SHOULD BE IN THE FORM OF A "DECLARATION" AND NOT A "TREATY;" MEXICAN REP WILL AGREE TO THIS.

3. RABASA EXPLAINED FOREGOING SCENARIO IN A GENERAL WAY TO THE SECRETARY WHEN THEY WERE BOTH IN NEW YORK EARLIER THIS MONTH AND HE ASKED THAT THE SECRETARY AGREE TO GO ALONG WITH THIS APPROACH. AT THAT TIME, AND ALSO IN HIS TELECON WITH KUBISCH YESTERDAY, RABASA DID NOT ASK FOR U.S. CO-SPONSORSHIP. INDEED, HE SEEMED TO FEEL THAT PREFERRED USG POSITION SHOULD BE LOW KEY AND ONE OF MERELY GOING ALONG WITH FOREGOING ARRANGEMENTS. RABASA THOUGHT SUCH A PROCEDURE SHOULD BE NO PROBLEM FOR US AND HE MERELY WANTED TO ASSURE THAT U.S. REPS WOULD NOT RAISE ANY DIFFICULTIES. THE SECRETARY AGREED AND ASKED THAT HIS GENERAL APPROVAL BE CONVEYED TO YOU SO AS TO ASSURE PROPER FOLLOW THROUGH IN NEW YORK.

4. IN HIS CONVERSATIONS WITH THE SECRETARY, RABASA DID NOT ALLUDE TO A LEGALLY BINDING DECLARATION. AS THAT QUESTION NEVER AROSE, THE SECRETARY'S UNDERSTANDING WITH RABASA DID NOT INCLUDE U.S. SUPPORT FOR A DECLARATION WHICH PURPORTS TO STATE BINDING LEGAL OBLIGATIONS. IF RABASA OR THE MEXDEL SHOULD EXPRESS A DIFFERENT UNDERSTANDING ON THIS POINT, WE WILL HAVE TO BRING THE MATTER TO THE SECRETARY'S ATTENTION AGAIN. IN THE MEANTIME, BELIEVE YOU CAN PROCEED ON THE BASIS OF INSTRUCTIONS SENT REFTEL. KISSINGER

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